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## **FACSIMILE COVER SHEET**

**DATE:** December 21, 2004  
**FILE NO:** ROC920010109US1 (IBMK10109)  
**TO:** Examiner Ronald Laneau  
**FAX NO:** 703/872-9306  
**COMPANY:** USPTO  
**FROM:** Gero G. McClellan  
**PAGE(S) with cover:** 12  
**ORIGINAL TO FOLLOW?** ☐ YES ☒ NO

### **RESPONSE TO OFFICE ACTION DATED SEPTEMBER 21, 2004**

**U.S. SERIAL NO.:** 09/865,371  
**FILING DATE:** May 25, 2001  
**INVENTOR:** Emerick et al.  
**EXAMINER:** Ronald Laneau  
**GROUP ART UNIT:** 3627  
**CONFIRMATION NO.:** 3728

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## PATENT

Atty. Dkt. No. ROC920010109US1  
MPS Ref. No.: IBMK10109

DEC 21 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Emerick et al.

**Serial No.: 09/865,371**

Confirmation No.: 3728

Filed: May 25, 2001

For: Method and Apparatus Upgrade  
Assistance Using Critical  
Historical Product Information

**Group Art Unit: 3627**

**Examiner: Ronald Laneau**

**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**CERTIFICATE OF FAX**  
**37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office to fax number 703/872-9306 to the attention of Examiner Ronald Laneau on the date below:

December 21, 2004

Date Gero G. McClellan

**Dear Sir:**

**RESPONSE TO OFFICE ACTION DATED SEPTEMBER 21, 2004**

In response to the Office Action dated September 21, 2004, having a shortened statutory period for response set to expire on December 21, 2004, please enter this response and reconsider the claims pending in the application for reasons discussed below. While no fees are believed due, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 09-0465 for any fees, including extension of time fees or excess claim fees, required to make this response timely and acceptable to the Office.

The Claims are reflected in the listing which begins on page 2 of this paper.  
Remarks/Arguments begin on page 10 of this paper.

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